



KOPECKY SCHUMACHER ROSENBERG LLC

Attorneys and Counselors

February 8, 2021

VIA ECF

Hon. Judge Stewart D. Aaron
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Kumaran v. ADM Investor Services, Inc. 20-CV-3873-GHW-SDA

Dear Judge Aaron:

I write on behalf of Defendant ADM Investor Services, Inc. ("ADMIS") regarding the addition of NRCM to this case as a party.

On February 2, 2021, Defendant sent Plaintiff and counsel for Nefertiti Risk Capital Management, LLC ("NRCM") a proposed stipulation to add NRCM as a Plaintiff to this case. Plaintiff and NRCM have refused to enter that stipulation unless Defendant also agrees to a substantive finding: that NRCM's addition to the case "relate back" to the original filing pursuant to FRCP 15(c). Defendant believes that the finding Plaintiff and NRCM request is inappropriate at this time for at least two reasons. First, Defendant has diligently avoided any conduct that could be perceived as a waiver of its right to arbitrate this dispute. Second, there is a pending Motion to Compel Arbitration which, Defendant contends, should be decided prior to any substantive rulings on Plaintiff's claims (particularly where, as here, Plaintiff has claimed that NRCM's legal rights had previously been transferred to her).

Defendant submits this letter to avoid further delaying the resolution of Defendant's Motion to Compel Arbitration. Defendant has no objection to the admission of NRCM as a party to this case and as a party to the First Amended Complaint.

Plaintiff has already had more than 60 days to respond to Defendant's 11-page Motion. Counsel for NRCM filed his appearance more than 45 days ago. Plaintiff has requested that Defendant agree to an extension of time for her to file her response to Defendant's Motion to Compel Arbitration to February 16, 2021. Defendant does not object to that request. However, NRCM should be added to this case immediately upon NRCM's request, and any briefing over

whether NRCM's admission as a party relates back (under FRCP 15(c)) should not prevent NRCM from responding to Defendant's Motion to Compel Arbitration on February 16, 2021.

Wherefore, Defendant requests that the Court enter an order as follows:

- 1) Plaintiff's response to the pending Motion to Compel Arbitration shall be due on February 16, 2021; and
- 2) If NRCM is added as a party to this case on or before February 16, 2021, its response to the Motion to Compel Arbitration shall also be due on February 16, 2021.

/s/ Daryl M. Schumacher

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